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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,636	03/11/2004	Mahlon William Edmonson JR.	474500-68	6685

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EXAMINER

DONOVAN, LINCOLN D

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

A

Office Action Summary	Application No. 10/798,636	Applicant(s) EDMONSON, MAHLON WILLIAM	
	Examiner Lincoln Donovan	Art Unit 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 and 43-60 is/are pending in the application.
- 4a) Of the above claim(s) 44-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-16,19-22,25-33,36,43 and 54-60 is/are rejected.
- 7) ☒ Claim(s) 3,17,18,23,24,34 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06-16-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 20-36 and 43-60 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected claimed invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 01-16-06.

Applicant's election with traverse of group I in the reply filed on 01-16-06 is acknowledged. The traversal is on the ground(s) that most of the claims are directed towards a magnetically actuated apparatus drawn to the same class/subclass not requiring an additional burden on the examiner to examine all of the claims. Examiner agrees that claims 20-36, 43 and 54-60 do not pose an additional burden. Claims 44-53 are drawn to a specific adjustable support structure requiring additional search and/or consideration. Claims 20-43 and 54-60 are rejoined with claim 1 and claims 44-53 are withdrawn from consideration.

The requirement of restriction for claims 44-53 is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2832

Claims 1-2, 4-16, 19-22, 25, 32, 43, 54 and 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holce [US 4,213,110] in view of Posey [US 3,559,124].

Regarding claims 1-2, 14-16, 19, 20-21, 22, 25, 32, 43, 54 and 55-56, Holce discloses a magnetically operable apparatus [10] for an alarm control system comprising:

- a contact [14] mountable to a first support member [10] being movable between an open state and a closed state in response to magnetic flux [column 5, lines 1-20]; and

- a magnetic actuator assembly [70] for selectively actuating the contact being mountable to a second support [12] that is displaceable relative to the first support member wherein the magnetic actuator has an effective region of magnetic flux for a given magnet to control actuation of the contact.

Holce disclose everything claimed except the effective region of magnetic flux for a given magnet being such that the first support member can be displaced relative to the second support member a magnitude and direction in excess of the magnetic and direction of displacement obtainable using the given magnet without a change in the electrical state of the contact.

Posey discloses a magnetic actuator [figure 2] for a magnetic reed switch [5] formed of spaced apart magnets that are displaceable relative to the reed switch member wherein the magnetic actuator has an effective region of magnetic flux for a given one of the magnets to control actuation of the reed switch [column 3, lines 47-66].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the magnet actuator arrangement of Posey in Holce in order to control the sensitivity of the alarm control system.

Regarding claims 4-7, Holce discloses everything claimed except the various arrangements and orientations of the magnets relative to the reed switch.

Posey discloses various magnet arrangements and orientations interacting with the reed switch [figures 1a-4b].

The specific arrangement and orientation of the magnets would have been an obvious design consideration based on the desired sensitivity and operating environment of the switch.

Regarding claims 8-13, 26 and 57-60, Holce discloses everything claimed except the specific normal operating state of the switch.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that the switch could be biased in either an open or closed state dependent upon the desired normal operating state.

Regarding claim 27, Posey further discloses the magnetic fields overlapping [figure 2].

Regarding claim 33, Holce discloses the device being used in a window frame [figure 9].

Claims 28-31 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holce, as modified, as applied to claims 1-2, 14-16, 19, 20-22, 25 and 32 above, and further in view of Osterweil [US 6,313,724].

Holce, as modified, disclose everything claimed except the magnetic fields overlapping with the magnets being orientated transversly to a reed switch and being mounted on a steel plate movable relative to the reed switch.

Osterwiel discloses a proximity sensor having magnets [38, 40] being orientated transversly to a reed switch [16] and being mounted on a steel plate [18] movable relative to the reed switch.

Regarding claims 28-29, It would have been obvious to one of ordinary skill in the art at the time the invention was made to use vertical mounting design of Osterwiel for the magnets of Holce, as modified, to concentrate the magnetic field in a smaller area.

Regarding claims 30 and 36, It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a steel plate with the magnet system of Holce, as suggested by Osterweil, in order to balance the magnetic fields.

Allowable Subject Matter

Claims 3, 17-18, 23-24 and 34-35 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Busch [2006/0028308].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lincoln Donovan whose telephone number is 571-272-1988. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ldd


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GROUP 2100